

2016 ELECTION CALENDAR

(Candidate, Voter Registration, and Early Voting Information)

PRESIDENTIAL PREFERENCE PRIMARY COUNTY PRIMARY ELECTION (T.C.A. §2-13-203, 2-13-205, and 2-13-302)* TUESDAY, MARCH 1, 2016

<u>VOTER REGISTRATION DEADLINE</u>	<u>EARLY VOTING PERIOD</u>	<u>PRESIDENTIAL & LOCAL POLITICAL PARTY NOMINEES TO BE SELECTED</u>	<u>CANDIDATE PETITIONS MAY BE ISSUED</u>	<u>CANDIDATE QUALIFYING DEADLINE</u>
Monday, February 1, 2016	February 10, 2016 through February 23, 2016	Presidential Candidates and Delegates & County Offices (See List-Next Page)	Friday, September 11, 2015**	Thursday, December 10, 2015 12:00 Noon**

STATE PRIMARY/COUNTY GENERAL ELECTION (T.C.A. § 2-2-104, 2-3-202 and 2-13-202) THURSDAY, AUGUST 4, 2016

<u>VOTER REGISTRATION DEADLINE</u>	<u>EARLY VOTING PERIOD</u>	<u>STATE NOMINEES TO BE SELECTED- COUNTY OFFICES TO BE ELECTED</u>	<u>CANDIDATE PETITIONS MAY BE ISSUED</u>	<u>CANDIDATE QUALIFYING DEADLINE</u>
Tuesday, July 5, 2016	Friday, July 15, 2016 through Saturday, July 30, 2016	State/Federal Offices County Offices School Board Offices (See List-Next Page)	Monday, January 8, 2016 (State/Federal Offices, and Local School Board Offices only)	Thursday, April 7, 2016 12:00 Noon State/Federal Offices and School Board Offices only

STATE GENERAL ELECTION /MUNICIPAL ELECTIONS (T.C.A. §2-3-203) TUESDAY, NOVEMBER 8, 2016

<u>VOTER REGISTRATION DEADLINE</u>	<u>EARLY VOTING PERIOD</u>	<u>OFFICES TO BE ELECTED</u>	<u>MUNICIPAL CANDIDATE PETITIONS MAY BE ISSUED</u>	<u>MUNICIPAL CANDIDATE QUALIFYING DEADLINE</u>
Monday, October 11, 2016	Wednesday, October 19, 2016 through Thursday, November 3, 2016	State/Federal Offices Municipal Offices (See List-Next Page)	Friday, May 20, 2016	Thursday, August 18, 2016 12:00 Noon

*The executive committee of the county political party shall, at least one hundred eighty (180) days before the qualifying deadline, direct in writing, to the county election commission a call for a local primary. T.C.A. § 2-13-203 (d). Individuals who intend to run as an independent candidate must file qualifying petitions by the December qualifying deadline along with all March primary candidates in order for their names to appear on the August 4, 2016, County General election ballot as an independent.

**Non-nationally recognized candidates who intend to run in the Presidential Preference Primary have different qualifying dates for the election, please contact our office for those dates.

OFFICES APPEARING ON THE BALLOT IN 2016

Current as of 8/06/2015

Presidential Primary Candidates/Delegate Candidates (March Primary)

Major Political Party Presidential Candidates

Non-Nationally Recognized Political Party Presidential Candidates

Delegate Candidates

County Offices (March Primary/August County General)***

Circuit Court Judge, (21st Judicial District), Division IV (Unexpired Term)

County Commission (10th District-Unexpired Term)

Assessor of Property

County Offices (August County General only)

County Board of Education (Districts 1, 3, 4, 5, 7, 9, & 11)

Franklin Special School District Board of Education (Three Seats)

****Current elected offices for election as of August 6, 2015.*

State /Federal Offices (August Primary/November General)

President and Vice President of the United States (November only)

United States House of Representatives (7th District)

Tennessee House of Representatives (Districts 61, 63, & 65)

Municipal Offices (November General)

City of Fairview-Three Commissioners

Town of Nolensville-Two Alderman

Town of Thompson's Station-Two Alderman

Seeking Local/State Elected Office

For those persons interested in seeking local or state elected office, please refer to the following considerations:

- A person must meet the **Qualifications for elected office**. (T.C.A. § 8-18-101)
- A person must meet the **qualifications for holding municipal elected office** (if applicable).
- A person must be issued and file a **nominating petition** (including certified duplicates when required) with the appropriate election commission office, the State Election Commission, or the state Coordinator of Elections containing the required number of signatures of registered voters eligible to vote to fill the elected office. It must be filed no later than 12:00 noon on the last date to qualify as a candidate for the election as required by law.
- A person must complete and submit all other appropriate forms, affidavits or other documentation for a particular elected office as required by law. (Example: For the office of School Board, proof of graduation from high school or receipt of GED must be filed.)
- A person must file the **Statement of Disclosure of Interests** form with the Tennessee Ethics Commission no later than thirty (30) days after the last day to qualify as a candidate. (T.C.A. § 3-6-205)
- A person must complete and file periodic **Campaign Financial Disclosure Reports** as required under the Campaign Financial Disclosure Act. (T.C.A. § 2-10-101 et seq.)
- A person must meet all **Residency Requirements** in the district, ward or jurisdiction in order to qualify as a candidate.

QUALIFICATIONS FOR ELECTED OFFICES IN TENNESSEE

General Provisions Governing Qualifications for Office:

The general qualifications of persons permitted to hold public office are set out in TCA § 8-18-101. This section provides that all persons of the age of eighteen (18) years who are citizens of the United States and of this state, and have been inhabitants of the state, county, district, or circuit for the period required by the constitution and laws of the state, are qualified to hold office under the authority of this state except:

- (1) Those who have been convicted of offering or giving a bribe, or of larceny, or any other offense declared infamous by law, unless restored to citizenship in the mode pointed out by law;
- (2) Those against whom there is a judgment unpaid for any moneys received by them, in any official capacity, due to the United States, to this state, or any county thereof;
- (3) Those who are defaulters to the treasury at the time of the election, and the election of any such person shall be void;
- (4) Soldiers, seamen, marines, or airmen in the regular army or navy or air force of the United States; and
- (5) Members of congress, and persons holding any office of profit or trust under any foreign power, other state of the union, or under the United States.

General Provisions Governing the Causes of Vacancies:

The causes of vacancies are set out in TCA § 8-48-101. This section provides that any office in this state is vacated by the following:

- (1) Death of the incumbent;
- (2) Resignation, when permitted by law;
- (3) Ceasing to be a resident of the state, or of the district, circuit, or county for which he was elected or appointed;
- (4) Decision of a competent tribunal declaring the election or appointment void or the office vacant;
- (5) Act of the general assembly abridging the term of office, where it is not fixed by the constitution;
- (6) Sentence of the incumbent, by any competent tribunal in this or any other state, to the penitentiary, subject to restoration if the judgment is reversed, but not if the incumbent is pardoned; or
- (7) Adjudication of the incumbent's insanity.

UNITED STATES PRESIDENT

- 35 years of age; natural-born citizen; and a resident within the United States for 14 years. (US Constitution Article 2, Section 1[5])

UNITED STATES SENATOR

- 30 years of age; Citizen of United States for 9 years; and a Tennessee resident. (US Constitution Article 1, Section 3)

UNITED STATES REPRESENTATIVE

- 25 years of age; Citizen of United States for 7 years; and a Tennessee resident. (US Constitution Article 1, Section 2)

GOVERNOR

- Basic qualifications of TCA 8-18-101 and
- Shall be at least thirty (30) years of age, shall be a citizen of the United States, and shall have been a citizen of this State 7 years before the election. (TN Constitution Article 3, Section 3)

STATE EXECUTIVE COMMITTEE

- Basic qualifications of TCA 8-18-101; and
- In each party's primary, its voters in each senatorial district shall elect one (1) man and one (1) woman as members of the state executive committee. (TCA 2-13-103)
- Shall be bona fide members of the political party whose election they seek. (TCA 2-13-104)

STATE SENATOR

- Basic qualifications of TCA 8-18-101; and
- Shall be a citizen of the United States, at least 30 years of age, and shall have resided 3 years in this State and 1 year in the county or district represented immediately preceding the election. (TN Constitution Article 2, Sect. 10)
- Each district shall be represented by a qualified voter of that district. (TN Constitution Article 2, Section 6a)

STATE REPRESENTATIVE

- Basic qualifications of TCA 8-18-101; and
- Shall be a citizen of the United States, at least 21 years of age, and shall have resided 3 years in this State and 1 year in the county represented immediately preceding the election. (TN Constitution Article 2, Section 9)
- Each district shall be represented by a qualified voter of that district. (TN Constitution Article 2, Section 5a)

TENNESSEE SUPREME COURT JUDGE

- Basic qualifications of TCA 8-18-101; and
- Shall be at least 35 years of age and a resident of the state for 5 years. (TN Constitution Article 6, Section 3, TCA 17-1-101, TCA 17-1-103)
- Shall be learned in the law, evidenced by being authorized to practice law in the courts of Tennessee. (TCA 17-1-106)

TENNESSEE COURT OF APPEALS JUDGE

- Basic qualifications of TCA 8-18-101; and
- Shall be at least 30 years of age and a resident of the state for 5 years. (TN Constitution Article 6, Section 4)
- Shall be learned in the law, evidenced by being authorized to practice law in the courts of Tennessee. (TCA 17-1-106)
- Shall reside in the grand division of the state from which they seek election. (TCA 16-4-102)

TENNESSEE COURT OF CRIMINAL APPEALS JUDGE

- Basic qualifications of TCA 8-18-101; and
- Shall be a citizen of the United States, at least 30 years of age and a resident of the state for 5 years. (TN Constitution Article 6, Section 4, TCA 16-5-102)
- Shall be learned in the law, evidenced by being authorized to practice law in the courts of Tennessee. (TCA 17-1-106)
- Shall reside in the grand division of the state from which they seek election. (TCA 16-5-102)

CHANCELLOR

- Basic qualifications of TCA 8-18-101; and
- Shall be at least 30 years of age and a resident of the state for 5 years and of the circuit or district 1 year. (TN Constitution Article 6, Section 4)
- Shall be learned in the law, evidenced by being authorized to practice law in the courts of Tennessee. (TCA 17-1-101, 17-1-102, 17-1-103, 17-1-106)

CIRCUIT COURT JUDGE/CRIMINAL COURT JUDGE

- Basic qualifications of TCA 8-18-101; and
- Shall be at least 30 years of age and a resident of the state for 5 years and of the circuit or district 1 year. (TN Constitution Article 6, Section 4)
- Shall be learned in the law, evidenced by being authorized to practice law in the courts of Tennessee. (TCA 17-1-101, 17-1-102, 17-1-103, 17-1-106)

GENERAL SESSIONS/JUVENILE COURT JUDGE

- Basic qualifications of TCA 8-18-101; and
- Shall be at least 30 years of age and a resident of the state for 5 years and of the circuit or district 1 year. (TN Constitution Article 6, Section 4)
- Shall be licensed to practice law in this state. (TCA 16-15-5005)

DISTRICT ATTORNEY GENERAL

- Basic qualifications of TCA 8-18-101; and
- Shall be a duly licensed attorney admitted to the practice of law in this state and a resident of the state for 5 years and of the circuit or district 1 year. (TN Constitution Article 6, Section 5)

DISTRICT PUBLIC DEFENDER

- Basic qualifications of TCA 8-18-101; and
- Shall be a duly licensed attorney admitted to the practice of law in this state and a resident of the state for 5 years and of the judicial district for 1 year. (TCA 8-14-202)

COUNTY MAYOR/ COUNTY EXECUTIVE

- Basic qualifications of TCA 8-18-101; and
- Shall be:
 - (1) A qualified voter of the county;
 - (2) At least 25 years of age; and
 - (3) A resident of the county for at least 1 year prior to the date of filing a nominating petition for election to such office.
- Shall continue to reside in the county during the term of office and shall not, during the term of office, hold any other public office for profit. (TCA 5-6-104)

COUNTY COMMISSION

- Basic qualifications of TCA 8-18-101; and
- Shall reside within and be a qualified voter of the district represented. (TCA 5-5-102)

SHERIFF

- Basic qualifications of TCA 8-18-101; and
- No person shall engage in the practice of law or serve as a member of the general assembly while serving as sheriff. (TCA 8-8-101)
- A person shall:
 1. Be a citizen of the United States;
 2. Be at least 25 years of age prior to the date of qualifying for election;
 3. Be a qualified voter of the county and a resident of the county for one (1) full year prior to the date of the qualifying deadline;
 4. Have obtained a high school diploma or its equivalent in educational training as recognized by the Tennessee state board of education;

SHERIFF QUALIFICATIONS (CONT.)

5. Not have been convicted of or pleaded guilty to or entered a plea of nolo contendere to any misdemeanor crime of domestic violence or any felony charge or any violation of any federal or state laws or city ordinances relating to force, violence, theft, dishonesty, gambling, liquor or controlled substances;
6. Be fingerprinted and have the Tennessee Bureau of Investigation make a search of local, state, and federal fingerprint files for any criminal record. Fingerprints are to be taken under the direction of the T.B.I. It shall be the responsibility of the T.B.I. to forward all criminal history results to the Peace Officer Standards and Training (POST) commission for evaluation of qualifications;
7. Not have been released, separated, or discharged from the Armed Forces of the United States with a Dishonorable or Bad Conduct discharge, or as a consequence of conviction at court martial for either state or federal offenses;
8. Have been certified by a Tennessee licensed health care provider qualified in the psychiatric or psychological fields as being free any disorder, as set forth in the current edition of the Diagnostic and Statistical Manual of Mental Disorders, Third Edition (DSM III) or its successor, of the American Psychiatric Association; at the time of the examination, that would, in the professional judgment of the examiner, impair the subject's ability to perform any essential function of the job; and
9. Have at least three (3) years of full-time experience as a peace officer standards and training commission certified law enforcement officer in the previous ten (10) years or at least three (3) years of full-time experience as a state or federal certified law enforcement officer with training equivalent to that required by the peace officer standards and training commission in the previous ten (10) years. (This requirement does not apply in any county having a metropolitan form of government where the sheriff does not have law enforcement powers.)
10. Shall file with the POST Commission,
 - (A) An affidavit sworn to and signed by the candidate affirming that the candidate meets the requirements of this section; and
 - (B) A confirmation of psychological evaluation form certified by the psychologist/psychiatrist providing psychological evaluation as provided for in §8-8-102(a) (8) for the purposes of sheriff candidacy qualification.

TRUSTEE

- Basic qualifications of TCA 8-18-101
- Shall reside within the county. (TCA 8-48-101)

REGISTER OF DEEDS

- Basic qualifications of TCA 8-18-101
- Shall reside within the county. (TCA 8-48-101)

CIRCUIT COURT CLERK

- Basic qualifications of TCA 8-18-101; and
- Shall reside in the county wherein the court is held. (TCA 18-1-102)

COUNTY CLERK

- Basic qualifications of TCA 8-18-101
- Shall reside within the county. (TCA 8-48-101)

ASSESSOR OF PROPERTY

- Basic qualifications of TCA 8-18-101; and
- Shall reside within the county. (TCA 8-48-101)
- No member of the county legislative body shall be eligible to hold the office of assessor. (TCA 67-1-503)

COUNTY HIGHWAY CHIEF ADMINISTRATIVE OFFICER

- Basic qualifications of TCA 8-18-101; and
- Shall reside within the county. (TCA 8-48-101)
- Shall file affidavits and such other evidence as the Tennessee Highway Officials Certification Board shall require with the board not later than fourteen (14) days prior to the qualifying deadline for candidates in a popular election or, where the position is appointed, prior to appointment to the office. (TCA 54-7-104)
- A person shall have at least a high school diploma or GED and meet one of the following criteria:
 - (1) Be licensed to practice engineering in Tennessee; or
 - (2) Be a graduate of an accredited school of engineering, with at least 2 years' experience in highway construction or maintenance; or
 - (3) Have a combination of education and experience equivalent to either of the above; or
 - (4) Have at least 4 years' experience in a supervisory capacity in highway construction or maintenance. (TCA 54-7-104)

SCHOOL BOARD

- Basic qualifications of TCA 8-18-101; and
- Shall reside within and be a qualified voter of the district represented. (TCA 49-2-201)
- Shall file with the county election commission proof of graduation from high school or receipt of a GED, evidenced by a diploma or other documentation satisfactory to the commission. (TCA 49-2-202)
- No member of the county legislative body nor any other county official shall be eligible for election as a member of the county board of education. (TCA 49-2-202)

CONSTABLE

- Basic qualifications of TCA 8-18-101;
- A person shall:
 - (1) Be at least 21 years of age;
 - (2) Be a qualified voter of the district;

- (3) Possess at least a high school diploma or general educational development certificate (GED). Persons holding the office on or before June 30, 2011, and those reelected after July 1, 2011 without an interruption of service in the office shall only be able to read and write;
- (4) Not have been convicted in any federal or state court of a felony; and
- (5) Not have been separated or discharged from the armed forces of the United States with other than an honorable discharge;
- Shall file with the county election commission, in conjunction with the nominating petition, an affidavit sworn to and signed by the candidate affirming that the candidate meets the requirements of this section. (TCA 8-10-102)

EXCEPTIONS:

1. Fentress County: None of the above requirements apply, including the requirement to file an affidavit. The person must only be 18 years of age.
2. Scott County: A person who has served in the office of constable for ten (10) years or more does not have to meet the requirements listed in number (5) above.

Qualifications for Municipal Elected Office

City of Brentwood

Board of Commissioners-Seven Members

Four Year Terms (Alternating)

Elected in Odd Years-First Tuesday in May

Qualifications for Elected Office:

*Candidates must meet the General Qualifications under T.C.A. § 8-18-101

*Candidates must be a resident of the municipality.

City of Fairview

Mayor and Board of Commissioners-Four Members

Four Year Terms (Alternating)

Elected in Even Years-First Tuesday after the first Monday in November

Qualifications for Elected Office:

*Candidates must meet the General Qualifications under T.C.A. § 8-18-101

*Candidates must be a resident of the municipality.

City of Franklin

Mayor, Four Alderman at Large, and Four Ward Alderman

Four Year Terms-(Alternating)

Elected in Odd Years-Fourth Tuesday in October

Qualifications for Elected Office:

*Candidates must meet the General Qualifications under T.C.A. § 8-18-101

*Candidates must be a resident of the State of Tennessee for one (1) year.

*Candidates must be a resident of the city six (6) months prior to the date of the election.

*Candidates for Mayor must be at least twenty five (25) years of age.

*Candidates for Ward Alderman must be a resident of the ward sixty (60) days preceding the date of the election.

Qualifications for Municipal Elected Office (continued)

Town of Nolensville

Mayor and Four Alderman at Large

Four Year Terms (Alternating)

Elected in Even Years-First Tuesday after the first Monday in November

Qualifications for Elected Office:

*Candidates must meet the General Qualifications under T.C.A. §8-18-101

*Candidates must be a resident of the municipality for one (1) year preceding the date of the election.

Town of Thompson's Station

Mayor and Four Alderman at Large

Four Year Terms (Alternating)

Elected in Even Years-First Tuesday after the first Monday in November

Qualifications for Elected Office:

*Candidates must meet the General Qualifications under T.C.A. § 8-18-101.

*Candidates must be a resident of the municipality for one (1) year preceding the date of the election.

Town of Spring Hill (Maury County Election Commission)

Mayor and Four Ward Alderman

Four Year Terms (Alternating)

Elected in Odd Years-Second Thursday in April

Qualifications for Elected Office:

*Candidates must meet the General Qualifications under T.C.A. § 8-18-101

*Candidates must be a resident of the municipality for one (1) year preceding the date of the election.

*Candidates for Alderman must be a resident of the ward for one (1) year preceding the date of the election.

Williamson County Election Commission
1320 West Main Street – Suite 140
Franklin, Tennessee 37064
(615) 790-5711
Fax (615) 790-5617
www.williamsonvotes.net



Robert D. Brown, Chairman
Dana M. Smyth, Secretary
Ray Barrett, Member
Naomi T. Drake, Member
Phyllis Streiff, Member
Chad Gray, Administrator of Elections

Tennessee State Senate (23rd Senatorial District)

Tennessee Republican and Democratic Executive Committeeman/Committeewoman (23rd Senatorial District)

This district includes all of Williamson County and the office(s) are elected in even years when the office of Governor appears on the ballot.

Tennessee House of Representatives (District 61)

This district includes most of Brentwood, Grassland, most of Cool Springs, parts of Franklin and the areas around Hillsboro Road and the Sneed Road areas.

Tennessee House of Representatives (District 63)

This district includes much of east Brentwood, Nolensville, Triune, College Grove, Bethesda, Peytonsville, part of Franklin and portions of the Spring Hill/Thompson's Station areas.

Tennessee House of Representatives (District 65)

This district includes all of Fairview, much of Franklin, Leipers Fork, Burwood, a portion of Spring Hill, and all of rural southwest Williamson County.

21st Judicial District (Circuit Court Judges, District Attorney General and Public Defender)

This district includes Hickman, Lewis, Perry, & Williamson Counties.

Hickman County Election Commission
114 North Central Avenue, Suite 201
Centerville, TN 37033

Lewis County Election Commission
Courthouse (Room 103)
110 North Park Avenue
Hohenwald, TN 38462

Perry County Election Commission
124 East Main Street
PO Box 77
Linden, TN 37096

The Federal Hatch Act

The information contained in this document is taken from:

<http://www.osc.gov/documents/hatchact/state/Hatch%20Act%20Modernization%20Act%20Guidance%20for%20State%20and%20Local%20Employees.pdf>.

Before relying upon the information contained herein, the U.S. Office of Special Counsel, the enforcer of the Federal Hatch Act, should be contacted for verification of and any updates to the Hatch Act or the Hatch Act Modernization Act. The U.S. Office of Special Counsel may be reached by calling (800) 854-2824, or writing to hatchact@osc.gov.

On December 19, 2012, Congress passed the Hatch Act Modernization Act of 2012. The Act allows most state and local government employees to run for partisan political office. Prior to this change, state and local government employees were prohibited from running for partisan office if they worked in connection with programs financed in whole or in part by federal loans or grants. With the change, the federal Hatch Act no longer prohibits state and local government employees from running for partisan office unless the employee's salary is paid for completely by federal loans or grants.

This change will allow hundreds of thousands of state and local government employees to participate more actively in the democratic process in their communities.

Before entering a race as a candidate, employees should keep in mind the following:

- ***Make sure your salary is not completely funded by federal loans or grants.*** A very small number of state and local employees may continue to be prohibited from running for office by the federal Hatch Act. Before running for office, take steps to determine that your salary is not entirely -- 100% -- funded by federal loans or grants. Your state or local finance office should be able to clarify whether your salary is completely funded by federal loans or grants.
- ***Make sure state or local law does not prohibit you from running.*** Employees should also make sure that they are not prohibited from running for office by state or local law. Nearly every state, many localities, and the District of Columbia have ethics rules that govern the political activity of their employees. This includes, in some cases, the ability of employees to run for state or local office. While the rules under the federal Hatch Act have been relaxed with regard to partisan candidacies, states and localities are free to implement more rigid requirements at their discretion. OSC does not keep a comprehensive list of state and local political activity laws, and OSC does not enforce laws passed at the state or local level. Your state or local ethics office should be able to clarify whether any provision of state or local law prohibits you from running for office.
- ***The Hatch Act restricts state or local employees from engaging in political misconduct.*** The Hatch Act Modernization Act did not change the federal Hatch Act's prohibitions on coercive conduct or misuse of official authority for partisan purposes. A state or local employee is still covered by these prohibitions if the employee works in connection with a program financed in whole or in part by federal loans or grants, even if the connection is relatively minor. A covered employee who runs for office would violate the Hatch Act if the employee:
 - uses federal or any other public funds to support his own candidacy;
 - uses his state or local office to support his candidacy, including by using official email, stationery, office supplies, or other equipment or resources; or
 - asks subordinates to volunteer for his campaign or contribute to the campaign.

A Guide to Qualifying for Two Different Offices on the Same Ballot

I. Two Federal Offices

- A. You can run for two federal offices at the same time.
- B. Federal Hatch Act - The Federal Hatch Act provisions govern political activity by federal employees.
 - 1. The Federal Hatch Act does not disqualify an individual from seeking and holding a public office; however, violation of it could place an employee who is subject to it in jeopardy of losing his or her job.
 - 2. According to the Federal Hatch Act, federal employees may be candidates for public office in partisan elections as long as the federal employees' salary is not entirely – 100% - funded by federal loans or grants. (2012 change)
 - 3. Make sure state or local laws do not prohibit the person from running.

II. Two State Offices

- A. You cannot run for two state offices at the same time.
- B. TCA 2-5-101(f)(5) states, in pertinent part:

No candidate, whether independent or represented by a political party, may be permitted to submit and have accepted by any election commission, more than one (1) qualifying petition, or otherwise qualify and be nominated, or have such candidate's name anywhere appear on any ballot for any election or primary, wherein such candidate is attempting to be qualified for and nominated or elected to more than one (1) state office as described in either § 2-13-202(1), (2) or (3) or in article VI of the Constitution of Tennessee....
- C. State Employee - State Office
 - 1. A state employee may not simultaneously hold another state office.
 - 2. A state employee may hold any elected office other than a state office.
 - a) **Example: A state employee may hold the office of county commissioner. However, city charters should be reviewed for any prohibitory language regarding their elected officials holding public offices or offices of public trust.**

3. State employees may be governed by the Federal Hatch Act if the individual's salary is entirely – 100% - funded by federal loans or grants. In this scenario, the state employee must review the requirements of the Federal Hatch Act regarding the prohibition against being a candidate in a partisan election.

III. County Offices

A. County Office - County Office

1. You cannot run for two constitutional county offices or two countywide offices or district based offices that have countywide jurisdiction.

B. TCA 2-5-101(f)(5) states, in pertinent part:

No candidate, whether independent or represented by a political party, may be permitted to submit and have accepted by any election commission, more than one (1) qualifying petition, or otherwise qualify and be nominated, or have such candidate's name anywhere appear on any ballot for any election or primary, wherein such candidate is attempting to be qualified for and nominated or elected to ... more than one (1) constitutional county office described in article VII, § 1 of the Constitution of Tennessee or any other county-wide office, voted on by voters during any primary or general election. See Attorney General Opinion No. 02-012 (January 18, 2002).

C. County Employee - County Legislative Body

1. TCA 5-5-102(c)(2) states:

No person elected or appointed to fill the office of county mayor, sheriff, trustee, register, county clerk, assessor of property, or any other county--wide office filled by vote of the people or the county legislative body, shall also be nominated for or elected to membership in the county legislative body.

2. A county employee can run for county commissioner (county legislative body). TCA 5-5-102(c)(1). Both offices can be held at the same time. TCA 5-5-102(c)(4)(A).

D. County Office – Federal/State Office

1. You can run for a county office and a federal or state office at the same time. (OAG 92-66, 1992).

a) EXCEPTION: TCA 5-6-104(b) states that a county executive may not hold any other public office for profit, i.e., a public office which receives a salary.

E. County Office - School Board

1. No member of the county legislative body or any other county official shall be eligible for election as a member of the county board of education. TCA 49-2-202(a)(2).

F. Teacher - School Board

1. TCA 49-2-203(a)(1)(D) states that:

No member of any local board of education shall be eligible for election as a teacher, or any other position under the board carrying with it any salary or compensation;

2. However, an employee of the school system may run for the office of school board without resigning the teacher's position.

IV. Municipal Offices

A. City Office - County Office

1. You can run for a city office and a county office at the same time. (OAG 83-337, July 11, 1983)
2. EXCEPTIONS: TCA 5-6-104(b) states that a county mayor may not hold any other public office for profit, i.e., a public office that receives a salary.
3. A county employee cannot hold an office if a municipal charter prevents it.

a) Example: County school board member wants to run for mayor. He or she may run for mayor while holding their school board seat and can hold both offices at the same time unless the city charter prevents it. See also Title 5.

B. City Office - City Office

1. You can hold two or more city offices at the same time if the city charter doesn't prevent it. (OAG 80-53, January 31, 1980).

C. City Employee - City Office

1. A city employee may not run for city office unless the charter or ordinance expressly allows it.
2. TCA 7-51-1501 "...that unless otherwise authorized by law or local ordinance an employee of a municipal government or of a metropolitan government shall not be qualified to run for elected office in the local governing body of such local government unit in which the employee is employed."

POLITICAL PARTY NOMINATION

for COUNTIES in TENNESSEE

I. Two (2) Methods to Select Political Party Nominees

A. Caucus/Convention

1. For certain offices, the local political party may choose to select a party nominee or all party nominees by a method other than by primary election, known as the caucus or convention method.
2. According to T.C.A. § 2-13-203, the local political party may nominate candidates by any method allowed under the political party rules.
3. The determination and adoption of the political party rules are overseen by the state executive committees for each party. Any questions regarding this process and/or the content of such rules must be directed to the respective state executive committee.
4. Notification of the Choice – Although the local political party does not have to inform the county election commission that they will caucus, the county executive committee must certify the names of such nominee or nominees to the county election commission by the applicable qualifying deadline.
5. Qualification of Nominees Selected by Caucus – Although the local political party must assure that each of its nominees meet the statutory qualifications, the duty of the election commission to place only the names of qualified candidates on the ballot remains the same. **Consequently, if the county executive committee certifies the name of an unqualified individual, then the county election commission may not place the name of that person on the ballot.** For example, if the county election commission has a copy of a political party nominee's felony conviction, without the requisite court order to restore the person's right to hold public office, then the person's name may not appear on the ballot until such restoration has occurred.

B. Primary Method

1. Definition – A "primary election" is an election held for a political party for the purpose of allowing members of that party to select a nominee or nominees to appear on the general election ballot. T.C.A. § 2-1-104(a) (20)
2. T.C.A. § 2-7-115(b) describes the participants in the primary election as:
 - a) A registered voter who is a bona fide member of and affiliated with the political party in whose primary the voter seeks to vote; or
 - b) A registered voter who, at the time the voter seeks to vote, the voter declares allegiance to the political party in whose primary the voter seeks to vote and states that the voter intends to affiliate with that party.

3. Persons may be challenged on the basis of not being affiliated with the particular party in which the person seeks to vote. - The same procedures for conducting any other challenge apply, except that the judges or election officials who determine the challenge must be election officials of the party in whose primary the voter applied to vote, with a total of three (3) to decide the challenge. T. C. A. § 2-7-126
 4. Voters may not vote in two (2) different political party primaries during the same primary election. T. C. A. § 2-19-107 establishes such as a Class D felony.
- C. Nominations by Both Methods – A local political party may choose to nominate its candidates by calling for a primary for a few of the offices, and may also caucus and certify the names of the other nominees for the remaining offices.

II. Offices Subject to Political Party Nomination

- A. There are certain offices for which the statute places the decision of whether political parties will nominate candidates in the hands of the political parties.
1. Circuit court judge;
 2. Chancellor;
 3. Criminal court judge;
 4. District attorney general;
 5. Public defender;
 6. County mayors / executives, including popularly elected county mayors / executives of metropolitan county governments;
 7. County legislative offices, including members of the county legislative bodies;
 8. Assessor of property;
 9. County trustee;
 10. General sessions judge;
 11. Juvenile court judge;
 12. Sheriff;
 13. Clerks of courts;
 14. Juvenile court clerk (if applicable)
 15. County clerk;
 16. Register of deeds;

17. Elective county department offices, including road superintendents or commissioners, and purchasing agents.
- B. Exceptions – Except under specified conditions, the following offices are not subject to the political party nomination process. Therefore, even if the local political party lists one of these offices to be placed on the primary election ballot, or certifies the name of a candidate for one of these offices, the county election commission may not indicate a political party affiliation on the ballot for these offices.
 1. *School Board* – T. C. A. § 49-2-201(a)(1) states that “all elections for school board members shall be conducted on a nonpartisan basis, and no person seeking a position on a board shall campaign as the nominee or representative of any political party.”
 2. *Municipal Offices* – T. C. A. § 2-13-208(a) states that “Notwithstanding other provisions of this part, municipal elections shall be nonpartisan. Municipal elections shall not require candidates to be nominated by political parties unless the municipality's charter specifically permits partisan elections....”
 3. *Judges in Shelby County* – T. C. A. § 2-13-203(e) says that “Notwithstanding any provision of this section or any other law to the contrary, by resolution adopted by a two-thirds (2/3) vote of the county legislative body of any county having a population in excess of eight hundred twenty-five thousand (825,000), according to the 1990 federal census or any subsequent federal census, the county legislative body may require that all elections to fill state trial court judgeships and county judicial offices in such county shall be conducted in a nonpartisan manner.”

III. Method to Call Primary Election

- A. Offices Wholly in One County – If a statewide political party desires to have a primary election, the county executive committee must notify the county election commission, in writing, of the call for the primary election. The election commission must receive the written notification no later than ninety (90) days before the qualifying deadline for the primary election date. If the ninety (90) days falls on a Saturday, Sunday or legal holiday, the deadline shall be the next regular business day. (T. C. A. § 2-13-203(d)) The written notification must provide a clear statement of which offices shall be placed on the primary election ballot. Listed below are examples of what may be contained in such statements. ***For the May 6, 2014 primary, the deadline for calling a county primary falls on November 22, 2013.***
 1. “All offices to be placed on the general election ballot during the August election” – Some county executive committees provide a catch-all phrase that will include all of the offices which will appear on the ballot. Depending on the timing, such a phrase may include a vacancy that may unexpectedly come up before the primary election.

2. A Listing – Some county executive committees provide the county election commission with a specific list of which offices to appear on the primary election ballot. Under this scenario, only those offices that appear on the list will appear on the primary election ballot. For example, the local political party may call for a primary election of all of the county legislative body members and the county executive but not list the assessor of property, the Sheriff, the judges, the county clerk, the register or the road superintendent. When a specific list is given, it must be carefully followed.
- B. Offices in More than One County (*Ex.* Circuit Court Judge; District Attorney General) – The method for calling a primary will be determined by the state executive committees for the political parties and then communicated to the coordinator of elections. The coordinator of elections then contacts those county election commission offices whose ballots will be impacted. In the past, the state executive committees have organized this process in different ways. One example has been to require the county primary boards which make up a judicial district to meet. The majority of the counties involved determine whether the nominee will be selected by caucus or primary.

IV. Timing for Primary Elections

- A. During a Presidential Preference Primary (PPP) year, the local political party has the option of calling a primary election, to be held on the same day as the presidential preference primary or on the day set by statute for the regular May primary. T. C. A. § 2-13-203(d)
1. PPP - Rather than holding the primary election in May, a political party may call for the primary election to be held on the same date as the Presidential Preference Primary.
 2. A May primary – The local political parties may call for a primary election to be held in May for one or all of the possible offices.
- B. During a non-Presidential Preference Primary year, the local political party who wants to nominate political party candidates must call for the primary to be held on the day set by statute for the regular May primary. T. C. A. § 2-13-203(d)

V. Effect of Calling a Primary

- A. Qualifying Deadline Established for All Political Party Candidates – If one local political party calls for a primary election, then candidates seeking to run in the primary and candidates who are nominated by caucus method must qualify at the deadline established for the primary.
- B. Qualifying Deadline Established for All Independent Candidates - If one local political party calls for a primary election, then independent candidates seeking to run for the offices to be placed on the primary ballot must qualify at the deadline established for the primary. Although independent candidates must qualify at the

same time as the primary candidates, the name of the independent candidate does not appear on the primary ballot.

VI. Funding for the Primary

- A. Presidential Preference Primary - T. C. A. § 2-12-109(d) requires that counties be reimbursed for the expenses incurred in conducting the presidential preference primary which have been certified by the Secretary of State.
- B. County Primary - T. C. A. § 2-12-109(a) requires the county to fund all expenses incurred by the county election commission in the performance of its duties for conducting elections.

Campaign Signs and Campaign Boundaries

Campaign Signs

The Williamson County Election Commission has no authority over the regulation of campaign signs with exception of the 100 foot campaign-free zone outside the entrance of a polling place (T.C.A. § 2-7-111). However, zoning ordinances and restrictions pertaining to political signs exist in the county as well as in the municipalities within Williamson County.

Williamson County

- 1) Williamson County Sign Ordinance Section 8170 (D), Temporary Signs:
No temporary signs of any type, other than non-commercial messages placed on behalf of a governmental entity, shall be located within or project into, any public road right-of-way within the unincorporated County (includes political signs).
Political signs may be located on private property (with owner's permission) but are limited to a maximum of five (5) signs per parcel with a total square footage not to exceed 30 square feet and with no sign larger than 16 square feet.
- 2) Williamson County Commission Resolution 5-06-12 prohibits political signs from being placed on county property (except properties under the jurisdiction of the County Board of Education).
(See County Attorney's Memorandum regarding County Commission Resolution 5-06-12 in this manual.)

Municipalities

Please contact the respective municipal departments below for applicable zoning ordinances pertaining to political signs.

City of Brentwood Codes Compliance-615-371-2204

City of Fairview Codes Compliance-615-799-1585

City of Franklin Codes Compliance-615-794-7012

Town of Nolensville Codes Compliance-615-776-3633

Town of Spring Hill Codes Compliance-931-486-2252 (ext. 212)

Town of Thompson's Station Codes Compliance-615-794-4333

Campaign Boundaries (T.C.A. § 2-2-117)

On Election Day and during early voting, there is a one hundred (100) foot campaign-free zone outside the entrance to the polling place. The boundary is measured from the entrances of the polling place; however, it may not exceed the property line of the polling place. Campaigning, distribution of campaign materials, or the wearing of articles of clothing of a political nature that are in support or in opposition to a candidate or issue (caps, t-shirts, hats, or buttons) are not allowed in this area as well.

The officer of elections at the Election Day polling place or any member of the staff of the election commission at an early voting site is responsible for the enforcement of this provision of the statute.

Removal of Campaign Materials (T.C.A. § 2-1-116)

After the conclusion of a primary, general, or special election, candidates in such election shall be responsible for the removal of any signs, posters, or placards advocating their candidacy which has been placed on publicly owned property. The removal of such materials shall be accomplished within a reasonable period of time following the election, not to exceed three (3) weeks.

County Commission Resolution 5-06-12 (adopted July 12, 2006)

BUERGER, MOSELEY & CARSON, PLC

ATTORNEYS AT LAW
306 PUBLIC SQUARE
FRANKLIN, TENNESSEE 37064

JEFFREY D. MOSELEY

TELEPHONE 615-794-8830
TELEFAX 615-790-8861

MEMORANDUM

TO: Rogers Anderson, County Mayor

FROM: Jeff Moseley, County Attorney

DATE: October 18, 2006

This office has been requested to clarify the scope of the prohibition of signs on county property. Pursuant to resolution of the Board of Commissioners of Williamson County, signs are not permitted on county property. This includes signs for the purposes of political campaigns. Individuals may display political signs on personal vehicles parked on county property incident to conducting county business. County business means the conducting of personal business with a county official or office on the premises. This would include the act of voting, but would not include campaigning. In short, once the individual has voted then the vehicle and signs on the vehicle must be removed. If you have any further questions please free to contact us.

VOTER REGISTRATION

(T.C.A. § 2-2-102 et seq.)

Who may register to vote?

- Any citizen of the United States and a resident of Tennessee
- Any person who will be eighteen (18) years of age or older on or before the date of the election
- Any person who has not been convicted of a felony or if convicted, has had their voting rights restored as required by law

How and where may qualified persons register?

Qualified persons may register to vote by obtaining and completing a voter registration form and filing the form with the local election commission. Persons may register in Tennessee in person and by mail. There is no process for registering to vote on the Internet. Registration forms can be downloaded from various websites but must continue to be mailed or hand delivered to our office.

How do you register in person?

Registration forms may be completed at the Election Commission office during normal office hours. You may also register in person at the Tennessee Department of Safety (Motor Vehicles Division), Department of Health (WIC program), Department of Human Services, Department of Mental Health, and the Department of Veteran's Affairs.

How do you register by-mail?

Voter registration forms may be printed from our website at www.williamsonvotes.net and mailed to our office. **Persons completing a by mail registration form must appear in person to vote the first time after registering after such registration becomes effective.**

When may a qualified voter register?

In order to participate in an election, a qualified voter must be properly registered no later than voter registration deadline which is thirty (30) days before the election unless the deadline falls on a Sunday or legal holiday. Postmarked forms that are received by the deadline will be processed for the election.

PHOTO IDENTIFICATION REQUIREMENT FOR TENNESSEE VOTERS

All voters must present an ID, meeting the requirements below, containing the voter's name and photograph, whether voting early or on Election Day.

Any of the following IDs may be used, even if expired:

- Tennessee driver license with your photo
- United States Passport
- Tennessee Department of Safety and Homeland Security photo ID
- Photo ID issued by the federal or Tennessee state government, such as an employee ID from the U.S. Department of Energy with your photo
- United States Military photo ID, including a Veteran Identification Card
- Tennessee handgun carry permit card with your photo

What forms of photo ID are NOT acceptable?

- College student photo IDs
- Privately issued photo IDs, such as your discount club or bank card with your photo
- Photo IDs issued by other states or by county or city governments, including library cards

Who is exempt?

- Voters who vote absentee by mail (view requirements at <http://www.tn.gov/sos/election/bymail.htm>)
- Voters who are residents of a licensed nursing home or assisted living center and who vote at the facility
- Voters who are hospitalized
- Voters with a religious objection to being photographed
- Voters who are indigent and unable to obtain a photo ID without paying a fee

What if I do not bring a photo ID to the polling place?

- If you do not bring a photo ID, you will vote a provisional ballot.
- You will then have until two (2) business days after Election Day to return to the election commission office to show a valid photo ID.

What if I do not have a photo ID?

- You may obtain a free photo ID to vote from the Department of Safety and Homeland Security at a driver service center. You will need proof of citizenship (such as a birth certificate), two proofs of Tennessee residency (such as a voter registration card, utility bill, vehicle registration/title, or bank statement), and if your name differs from that on your primary ID, proof of the changed name (such as certified marriage certificate, divorce decree, certified court order, etc.).
- If you do not have a photo on your driver's license and no other form of valid photo ID, you may visit a driver service center to have your photo added to your license for free upon request.
- You may use the "express service" line at the driver service center to obtain your photo ID to minimize wait times.
- **NOTE:** If you already have a valid government-issued photo ID, the Department of Safety will not issue a free photo ID to you.
- Visit <http://www.tn.gov/safety/photoids.shtml> for more information.

Where can I find out more information?

- Call or visit your county election commission, or visit our website at <http://www.GoVoteTN.com>
- Please notify your county election commission if your address changes.

Tennessee Division of Elections

Mark Goins, Coordinator of Elections

312 Rosa L. Parks Avenue, 7th Floor • Nashville, TN 37243 (615) 741-7956

Early Voting/Absentee Voting by Mail

Early Voting

Early voting always begins twenty (20) days prior to any election and normally ends five (5) days before any election unless modified by statute. Early voting is always held at the Election Commission office. Satellite voting locations in other areas of the county will be determined by the Election Commission based on the type of election and the need for such locations. Any registered voter in Williamson County is allowed to vote early at any early voting location.

Voters who need to change their name or address are encouraged to vote early. Otherwise the voter will have to follow special failsafe procedures or may have to go to a different Election Day polling place in order to vote. Voters are required by law to vote in their precinct of residence on Election Day. (T.C.A. §2-1-101).

Absentee Voting (By Mail)

A voter who qualifies to vote by mail shall request an absentee ballot not more than ninety (90) days before the election and not later than seven (7) days before the election. The qualifications for voting by mail may be found on our website at www.williamsonvotes.net. Look under **Absentee Ballot**.

Absentee Voting (Licensed Nursing Facilities)

Voters that reside in state licensed nursing facilities within Williamson County are allowed to vote through the assistance of appointed election commission deputies (one from each political party) who go to those facilities and allow the residents to vote by paper ballot. Those facilities are sent notifications by mail no later than forty (40) days before the election requesting the names of residents who wish to vote in an upcoming election.

NONRESIDENT PROPERTY OWNERSHIP VOTING

- I. **Description of a Nonresident Property Ownership Voter** – A person, who due to the ownership of real property within a city or special school district, may register and vote in that city or special school district election, even though the person does not reside in the jurisdiction.
- II. **Authority Under Which Nonresident Property Ownership Voters Vote**
 - A. **Municipal Elections**
 1. *T.C.A. § 2-2-107* requires that the city charter contain an express provision allowing nonresident real property owners to participate in the municipality's elections.
 2. According to *T. C. A. § 2-2-107*, "notwithstanding any provision of the law to the contrary, if a municipal charter provides for property rights voting, no more than two (2) persons shall be entitled to vote based upon the ownership of an individual tract of property regardless of the number of property owners."
 - B. **Special School District Elections** - *T.C.A. § 49-2-504* provides that "a special school district may, by legislative act, establish eligibility and procedures for nonresident property owners."
- III. **Registration Requirements**
 - A. **Residency Requirement**
 1. Generally - Attorney General Opinion No. 95-026 advises that the general law does not impose a residency requirement on nonresident property owners. Consequently, nonresident property owners may register and vote in the city elections regardless of whether the person is a resident of the county, State of Tennessee, or United States. However, to vote in elections in Tennessee, the person must be a United States citizen.
 2. **Exceptions**
 - a) Municipal charters may require that the nonresident property owner be a qualified voter for members of the General Assembly. If the city charter has such language, then the nonresident property owner must be a resident of the State of Tennessee in order to register and to vote in the city elections.
 - b) Municipal charters may require that the nonresident property owner be a resident of the county or a qualified voter for members of the county civil district. If the city charter has such

language, then the nonresident property owner must be a resident of the county in order to register and to vote in the city elections.

B. Proof of Ownership

1. A person who wants to register as a nonresident property owner must provide the county election commission with information sufficient to demonstrate property ownership within the municipal corporations.
2. Examples - A certified copy of the deed or a certified copy of the tax records which provides the names of the owners of the property would be sufficient proof.
3. Caveats
 - a) If the county allows the applicant to use property tax receipts as proof of ownership, make sure that the receipt indicates who owns the property and not merely who paid the property taxes. There are instances when people other than the owners of the property pay the property taxes, and these taxpayers would not be eligible to register and vote in the city election.
 - b) At the end of the voter registration period, the county election commission may want to verify property ownership with the register of deeds to assure that the person seeking to register holds the last recorded deed for the property involved.

C. Registration Deadline - The registration deadline of thirty (30) days before the election applies to a nonresident property owner seeking to register to vote in a municipal election.

D. Separate Registration - To maintain an accurate count of the number of registered voters within a county, the registration records of nonresident property owners must be kept separately and distinctly from the registration records of voters registered to vote based upon residence. A database other than the statewide database must be used to maintain the registration records of nonresident property owners.

IV. Considerations of Who may Register as a Non-Resident Property Owner

A. Those Named on Deed

1. Individuals - A natural person, and not a corporation or other legally created entity, may register and vote as a nonresident property owner.
2. Multiple Persons - There may be no more than two (2) people registered to vote on a single tract of land.

3. Various Types of Entities Sometimes Owning Property

- a) Partnership - A named partner of the partnership whose name appears on the deed may register and vote.
- b) Limited Partnership – The General Partner of the Limited Partnership may register and vote on property owned by the Limited Partnership.
- c) Corporation - Because a corporation is not a natural person, but a legally created entity, the corporation does not have a right to register and vote. By the same token, representatives of the corporation may not register and vote in place of the corporation. However, any natural person named on the deed as a co-owner of the tract of land may be allowed to register and vote.
- d) Limited Liability Company (LLC) - Same as Corporation.
- e) Trust Agreement – Same as Corporation. Property placed in a trust is owned by the trust, which is a legal entity. The trustee manages the assets in the trust for the benefit of the beneficiary, but does not own the property or other assets in the trust.

B. Tract of Land must be of a Sufficient Enough Size for Owners to Have a Substantial Interest

- 1. To register and vote as a nonresidential property owner, the administrator of elections must find that the property in question is of a sufficient size to give the persons named on the deed a substantial enough interest in the property to constitute more than just a voting lot.
- 2. Guidance from Attorney General Opinions
 - a) Attorney General Opinion No. U88-96 (August 30, 1988) advises that ownership in tracts of land of only a few square feet does not render the person a bona fide owner of real property and does not entitle the person to register to vote in municipal elections.
 - b) Attorney General Opinion No. 82-134 (March 16, 1982) advises that "a fairly strong argument can be made for the restriction of the right to vote to those property owners who own a lot large enough to erect thereupon a dwelling or commercial building."

V. **Charter Requirements** - Other than those charter requirements that may violate the constitution, such as owning the property for a specified period of time before the election, the administrator of elections must impose the specified charter requirements.

- A. Various Types of Enforceable Requirements Placed in Municipal Charters
 - 1. Ownership Percentage – If the municipal charter requires that nonresident owners possess a certain interest in the land greater than the required fifty percent (50%) interest.
 - 2. Minimum Assessed Value - Some municipal charters provide that nonresident property owners must own property that has been assessed at a certain minimum value, such as one thousand dollars (\$1,000.00).
- B. Unenforceable Requirements Placed in Municipal Charters
 - 1. Duration Requirement – The city charter requirement that the nonresident own the property for a specified period of time violates the constitution and therefore may not be enforced. (See Attorney General Opinion No. 95-026)
 - 2. Types of Election – Any city charter that attempts to restrict a nonresident to voting only for municipal officers, but not being able to vote on municipal questions may not be enforced.
- C. Sample Language - Many city charters that provide for nonresident property ownership voting rights contain language that is unconstitutional and fails to provide any meaningful criteria for the administrator of elections to use in determining who may register as a nonresident property owner. For any municipality that desires to amend its charter relative to nonresident property owners, the language provided below indicates an example of language that would, in all likelihood, withstand a constitutional challenge and provide the administrator of elections with useful guidelines.
 - 1. Persons who reside outside of the city limits and who are otherwise eligible to vote for members of the Tennessee General Assembly and who own at least fifty percent (50%) fee simple interest in real property within the city limits at the time of registration and at the time of the election may register and vote in city elections.
 - 2. No more than two (2) persons shall be entitled to vote based upon the ownership of an individual tract of property regardless of the number of property owners
 - 3. A qualified voter residing outside of the city limits shall not be entitled to run for or hold office as to any elective position.

VI. Voting

- A. Generally – A nonresident property owner may either vote early by personal appearance, in-person on Election Day or by mail in accordance with the statutory reasons provided in TCA §2-6-201, i.e., outside of county during

early voting and election day, 60 years of age or older, voter with a physical disability, etc.

B. Exception – A municipality may, by ordinance, mandate that all nonresident property owners vote only by absentee ballot. The following process applies to any municipality which adopts such an ordinance:

1. The ordinance must be filed no later than sixty (60) days before the election.
2. No later than forty-five (45) days before the municipal election after the adoption of the ordinance, the election commission must mail notice of this voting process, along with an application for ballot, to all nonresident property owners.
3. Once the ordinance is adopted, all nonresident property owners must vote by absentee ballot and may not vote in person during the early voting period or on Election Day.
4. This restriction only applies if an ordinance is adopted by the municipality. The restriction applies for each subsequent municipal election unless the ordinance is repealed prior to an election.

ELECTION COMMISSION RESOURCES

Election Administrator Website

Log on to our website at www.willamsonvotes.net for notices of elections, early voting information, sample ballots, candidate lists, precinct maps, a polling place look-up, and election results. Sample ballots are published in a newspaper of general circulation prior to early voting and then again prior to Election Day and are posted on the website.

Purchase of Voter Information

Data concerning registered voters and early voters in Williamson County may be purchased from the Election Commission office for political purposes. Please contact our office for more information concerning the data you wish to purchase. Costs are determined by the type of information requested.

Maps

Maps of precincts or districts of Williamson County may be purchased in the Information Technology Department at 615-790-5412 or at the Tennessee Comptroller of the Treasury -Office of Local Government at 615-401-7773. Maps of city wards may be obtained from the municipality.

Poll Watchers (T.C.A. 2-7-104)

Poll watchers may be appointed by each political party; each candidate in a general or primary election; any citizens' organization interested in a question on the ballot; and any citizens' organization interested in preserving the purity of elections and in guarding against abuse of the elective franchise. All appointments of watchers shall be in writing and signed by the persons or organizations authorized to make the appointment. All poll watchers' names must be in writing and submitted to the election commission no later than twelve o'clock (12:00) noon of the second working day before the election. All appointed poll watchers must have reached the age of seventeen (17) by Election Day. Each candidate in a general election may appoint one (1) or more poll watchers for each polling place; provided, however, at any given time, each such candidate shall have not more than one (1) such poll watcher on duty at each polling place.

Voting Machine Inspection (T.C.A. § 2-9-105)

County political party representatives or candidates, independent candidates, and the press will be notified on or before thirty (30) days before the date of the election of the time and location where voting machines to be used during the early voting period may be examined. Prior to the examination, voting machine technicians shall certify that the machines are in working order as required.

County political party representatives or candidates, independent candidates, and the press will be notified on or before fifteen (15) days before the date of the election of the time and location where voting machines to be used on Election Day may be examined. Prior to the examination, voting machine technicians shall certify that the machines are in working order as required.

Election Night Procedure

- Election results will be tallied at the Williamson County Election Commission office for all elections.
- The Absentee Counting Board will convene on the day of the election to count and record the results of all absentee and by mail ballots.
- The results from early voting and absentee voting will be released after the close of the polls on Election Day at approximately 7:00 p.m.
- After the polls close, the officer of election at each polling place begins the process of closing their voting machines in order to bring the results to the Election Commission office. The officer of election at each polling location will post the cumulative voting machine results for that precinct on the wall for any parties interested in viewing the results. The first results from the polls usually arrive no earlier than 7:30 p.m. at the election office.
- Any person is welcome to watch the returns on election night in the Williamson County Administrative Complex. A projection screen will be used to display the results as they arrive from the polls. Printouts of the results will be produced and available as time allows.
- The Administrator of Elections will be available after all the results have been tallied to answer any and all questions. Election night results will be unofficial. The election results will be certified and made official no later than the third (3rd) Monday after the election at the meeting of the Williamson County Election Commission.

FREQUENTLY ASKED QUESTIONS

What must I do to begin the process of running for elected office?

First, you must consider the office being sought and the qualifications required in order to hold the office in which you seek. A nominating petition for an elected office may be issued no earlier than ninety (90) days before the date for qualifying for the election and must be filed by the qualifying deadline. An Appointment of Political Treasurer Statement must be filed before any monies are spent or contributions received for a campaign.

What happens if I should decide to withdraw from running for a particular elected office?

If an individual files a petition, qualifies as a candidate, and fails to withdraw by the withdrawal deadline as required by law, his or her name will appear on the official ballot anyway. (T.C.A. § 2-5-204)

When may I put my political signs out and print my political ads in the newspaper?

The Election Commission has no authority over political signs except in regards to the 100 foot campaign-free zone outside the entrance to a polling place. However, local ordinances in the county and municipalities should be consulted on political signage. In addition to political signs, newspaper, radio, and other forms of advertisements must follow the guidelines as specified in the "Disclaimer Law." (Refer to **T.C.A. §2-19-120**))

How will my name be placed on the ballot?

In the State of Tennessee, offices on the ballot are arranged in a specific order as required by law. Generally, statewide offices, Federal offices, and constitutional amendments appear at the top of the ballot, and then local state offices, county offices, and then municipal offices and finally municipal ballot initiatives, such as liquor by the drink, etc. Judicial retention questions appear at the bottom of the ballot. The candidate names under each contest are arranged alphabetically by last name. In partisan races, Republican nominees appear first, Democratic nominees appear second, Third Party candidates (as defined by the Coordinator of Elections) appear third, and Independent candidates appear fourth. In non-partisan school board or municipal races, all candidates are categorized as "Independent Candidate" and are arranged alphabetically by last name. (T.C.A. § 2-5-208)

Frequently Asked Questions (continued)

As a candidate having multiple opponents in an election, must I receive a certain percentage of the vote to be elected (in Williamson County)?

For a Federal, state, or local elected office in which you vote for one (1) candidate or political party nominee of choice, the candidate or political party nominee receiving the highest number of votes will be elected to that office. For a local elected office in which you vote for two candidates or nominees, the designated number of candidates or nominees receiving the highest number of votes will be elected in a general election. For example for Williamson County Commissioner, a voter may cast a ballot for up to two candidates or nominees for two positions to be elected to the Board of Commissioners.

What happens if two candidates receive the same number of votes for an elected position?

In the case of a tie vote between two candidates the provisions pursuant to T.C.A. § 2-17-117 shall apply. For municipal elections, any provisions specified in the municipal charter(s) shall also apply.

Do any provisions exist for a recount in the case of a close election?

A candidate wishing to contest a close election shall file the complaint within ten (10) days of the election. Election contests shall be tried in the chancery court of the division in which the defendant resides. (T.C.A. § 2-17-101; 2-17-105) In the case of a contested primary election, the provisions pursuant to T.C.A. § 2-17-104, shall apply. (See also T.C.A. § 2-17-117)

Can someone write-in a person's name for election when an unopposed candidate's name appears on the official ballot for an elected office?

There is a provision for write-in candidates in the election process in Tennessee. If an individual wishes to become a write-in candidate, they must file a certificate of write-in candidacy no later than 12:00 noon prevailing time fifty (50) days before the date of the election. Otherwise any other names which are written in for election to an elected office will not be counted in the official results. (See T.C.A. § 2-7-133)

Can I seek election to more than one office at the same time?

See the section in this manual titled **Guide to Qualifying for Two Different Offices on the Same Ballot**.